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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Tadd E. Vanyo et al.

Serial No.: 10/849,473   Examiner: H. Vy

Filed   : May 19, 2004   Group Art Unit: 2163

For   : INTERFACE COOL ICE OLEDB CONSUMER INTERFACE

Docket No.: 33012/374/101

REQUEST FOR REFUND

Refund Branch
Commissioner for Patents
Attn: Refund Section Accounting
Division
Office of Finance
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE UNDER 37 C.F.R. 1.8
I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an enveloped addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 17th day of August, 2007

By: _____
       Carolyn I. Erickson

Sir:

    This is a request for a refund with respect to the charge to Deposit Account No. 14-0620 shown on the statement dated February 2007 for the above-referenced patent application. A copy of the monthly statement in which the error referred to occurs, accompanies this request.

    The fees charged for which a refund is requested is an additional independent claim charge in the amount of $200.00, as posted on the monthly statement of account under SEQ No. 2.
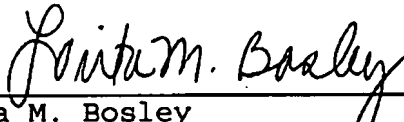
    The above application was filed on May 19, 2004. A review of the file shows that 21 claims were originally filed, and five of

-1-

those claims were independent. The appropriate fees were paid at the time; the filing fee was $770.00; one addition claim was paid for ($18.00); and two additional independent claims were paid for ($172.00); for a total of $960.00. A first Office Action dated 10/31/2006 was mailed. A timely response was filed on 01/31/2007 and certified under 37 CFR § 1.8. The four remaining independent claims after amendment were Claims 1, 11, 16 and 21. Claim 6, the fifth independent claim originally paid for at the time of filing, was canceled. It is therefore submitted that five independent claims, originally filed, were paid for at the time of filing, and one independent claim was canceled by amendment. Therefore, the charge to our deposit account on 02/22/2007 under SEQ 2, fee code 1201, was clearly erroneous. In support of our position please find enclosed a copy of the Transmittal Letter filed with the application on 05/19/2004 detailing the claims paid for and a copy of the AMENDMENT filed via 37 CFR § 1.8 on 01/31/2007.

Please credit our Deposit Account No. 14-0620 in the amount of $200.00 as soon as possible.

Respectfully Submitted,

Date: 8-17-07

Lorita M. Bosley
NAWROCKI, ROONEY & SIVERTSON, P.A.
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-2-

**United States
Patent and
Trademark Office**

Deposit Account Statement

Requested Statement Month:	February 2007
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Name:	NAWROCKI, ROONEY & SIVERTSON
Attention:	
Street Address 1:	BROADWAY PLACE EAST SUITE 401
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DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
02/21	276	7179046	55080/503/101	8001	$3.00	$3,303.40
02/21	13	10587955		9204	-$200.00	$3,503.40
02/22	2	10849473	RA 5567 (33012/374/101)	1201	$200.00	$3,303.40
02/26	1809	60891430	65030/101/101	2005	$100.00	$3,203.40

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

May 19, 2004

Commissioner of Patents
P O Box 1450
Alexandria, VA 22313-1450

SUBJECT:	Patent Application
Inventors:	Tadd E. Vanyo; Craig D. Hanson; Neil A. Lambert; Michael F. Parenteau
Title:	INTERFACE COOL ICE OLEDB CONSUMER INTERFACE
File No:	RA 5567 (33012/374/101)
Customer Number:	27516

Dear Sir:

Enclosed herewith are the following papers comprising an application for patent as identified above:

1. Specification (20 pages)
2. Claims (6 pages)
3. Informal Drawings (8 pages)
4. Declaration and Power of Attorney
5. Assignment of Invention
6. Assignment Coversheet
7. Request & Certification Under 35 USC 122(b)(2)(B)(i)

Please charge the Assignment fee of $40.00 and the Patent Application filing fee of $960.00, calculated below, to Account No. 19-3790 of Unisys Corporation. If the calculated fee is incorrect, you are authorized to charge the correct fee.

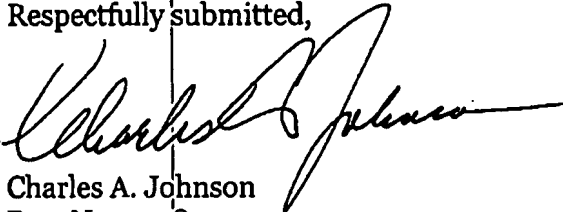The filing fee was calculated as follows:

1.	Basic Fee	$770.00
2.	Additional Fees	
	a. Number of claims in excess of 20, (21-20=1) ___ times $18	18.00
	b. Number of independent claims minus 3, (5-3=2) ___ times $86	172.00
TOTAL		**$960.00**

Patent Application – Transmittal   Docket # RA 5567 (33012/374/101)

Correspondence is to be directed to the undersigned attorney of record, and an early acknowledgment will be greatly appreciated.
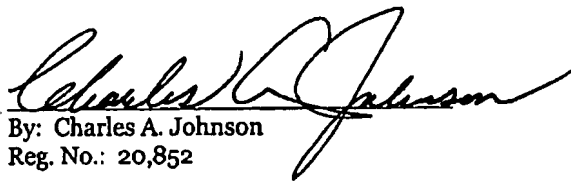
Respectfully submitted,

[signature]

Charles A. Johnson
Reg. No. 20,852
Unisys Corporation
P O Box 64942 MS 4773
St. Paul, MN 55164
Attorney for Applicants

CAJ/rjn
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Enclosures

CERTIFICATE UNDER 37 CFR 1.10:   The undersigned hereby certifies that this transmittal letter and the paper of papers, as described hereinabove, are being deposited in the United States Postal Service, "Express Mail Post Office to Addressee" having an Express Mail mailing label number of EV 332 554 945 US in an envelope addressed to: COMMISSIONER OF PATENTS, Box New Application, P O Box 1450, Alexandria, VA 22313-1450 on this   _19th_ day of May 2004.

[signature]

By: Charles A. Johnson
Reg. No.: 20,852

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P A T E N T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)	
)	
Tadd E. Vanyo et al.)	Examiner H. Vy
)	
Serial No. 10/849,473)	Group Art Unit 2163
)	
Filing Date: 05/19/04)	
)	Docket No. 33012/374/101
)	
For: INTERFACE COOL ICE OLEDB)	**AMENDMENT**
CONSUMER INTERFACE)	

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATE UNDER 37 C.F.R. 1.8: I hereby certify that this correspondence is
being deposited with the United States Postal Service on the date shown below
with sufficient postage as first class mail in an envelope addressed to the:
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this

3^{1st} ~~the~~ day of _January_ , 20 07 .

By_____
                    Carolyn I. Erickson

This Amendment is in response to the Official Action mailed on

October 31, 2006, setting a shortened statutory period for response

by January 31, 2007. The Claims presented herewith, which commence

on Page 3 of this document, are to replace all prior versions of

the claims and are the current claims for the application.

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IN THE SPECIFICATION

Please amend the specification as follows:

At page 1, lines 5-9:

U.S. Patent Application No. ~~========~~ 09/188,629, filed ~~====~~ ~~====~~ November 9, 1998, now U.S. Patent No. 6,295,531, issued September 25, 2001, and entitled, "Cool ICE data Wizard"; U.S. Patent Application No. ~~========~~ 09/188,649, filed ~~========~~ November 9, 1998, now U.S. Patent No. 6,496,821, issued December 17, 2002, and entitled, "Cool ICE Column Profiling"; U.S. Patent Application No. ~~========~~ 10/849,511, filed ~~=======~~ May 19, 2004, entitled, "Stored Procedure"; and U.S. Patent Application No. ~~========~~ 09/188,725, filed ~~=======~~ November 9, 1998, now U.S. Patent No. 6,324,539, issued November 27, 2001, and entitled, "Cool ICE State Management" are commonly ~~assigned co-pending~~ owned by the assignee of the subject application.

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IN THE CLAIMS

Please amend the claims as follows:

1. (Original)   An apparatus comprising:

    a.   a user terminal which generates a first service request;

    b. a publicly accessible digital data communication network responsively coupled to said user terminal;

    c.   a legacy data base management system responsively coupled to said user terminal via said publicly accessible digital data communication network which receives said first service request;

    d.   a legacy data base incompatible with, but responsively coupled to, said data base management system; and

    e.   a facility responsively coupled to said legacy data base management system and said legacy data base which permits said legacy data base management system to access said legacy data base in response to said receipt of said first service request.

2.   (Original)   The apparatus of claim 1 wherein said first service request causes said legacy data base management system to log on to said legacy data base.

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3. (Original) The apparatus of claim 2 wherein said legacy data base further comprises an OLEDB data base.

4. (Original) The apparatus of claim 3 further comprising a second service request generated by said user terminal and transferred to said legacy data base management system which copies selected data from said legacy data base into said legacy data base management system.

5. (Original) The apparatus of claim 4 wherein said legacy data base management system further comprises a commercially available legacy data base management system.

6. (Canceled) Method of utilizing a user terminal to access selected data within a legacy data base comprising:

    a.   transmitting a first service request to a legacy data base management system which is incompatible with said legacy data base via a publicly accessible digital data communication network;

    b.   receiving said service request by said legacy data base management system;

    c.   converting said service request into a format cognizable by said legacy data base; and

   d.   transferring said converted service request from said legacy data base management system to said legacy data base.

7. (Canceled) A method according to claim 6 wherein said first service request further comprises a log-on command.

8. (Canceled) A method according to claim 7 wherein said publicly accessible digital data communication network further comprises the Internet.

9. (Canceled) A method according to claim 8 further comprising transferring a second service request from said user terminal to said legacy data base management system which causes a copying step after said transferring step which copies said selected data from said legacy data base to said legacy data base management system.

10. (Canceled) A method according to claim 9 wherein said legacy data base management system further comprises BIS data base management system.

11. (Original) An apparatus comprising:

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a. permitting means for permitting a user to transfer a service request via a publicly accessible digital data communication network;

b. offering means responsively coupled to said permitting means via said publicly accessible digital data communication network for offering legacy data base management services using a scripted command language;

c. maintaining means responsively coupled, to but incompatible with, said offering means for maintaining a data base; and

d. converting means responsively coupled between said offering means and said maintaining means for converting said service request to a language cognizable by said maintaining means.

12. (Original) An apparatus according to claim 11 wherein said permitting means further comprises generating means for generating a second service request.

13. (Original) An apparatus according to claim 12 further comprising causing means located within said offering means for causing said maintaining means to copy data from said maintaining means into said offering means.

14. (Original) An apparatus according to claim 13 wherein said offering means further comprises BIS data base management system.

15. (Original) An apparatus according to claim 14 wherein said permitting means further comprises an industry standard personal computer.

16. (Original) In a data processing system having a user terminal which generates a first service request responsively coupled via a publicly accessible digital data communication network to a legacy data base management system, the improvement comprising:

    a. a legacy data base incompatible with said legacy data base management system and responsively coupled thereto; and

    b. a facility responsively coupled between said legacy data base management system and said legacy data base for converting said first service request to a form compatible with said legacy data base.

17. (Original) The improvement according to claim 16 wherein said converted service request further comprises a command to log on to said legacy data base.

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18. (Original) The improvement according to claim 17 further comprising a second service request generated by said user terminal which causes said legacy data base management system to access first specified data within said legacy data base.

19. (Original) The improvement according to claim 18 further comprising a third service request generated by said user terminal which causes said legacy data base management system to modify second specified data within said legacy data base.

20. (Original) The improvement according to claim 19 further comprising a fourth service request generated by said user terminal which causes said legacy data base management system to log off from said legacy data base.

21. (Original) An apparatus comprising:

a. a user terminal which generates a first log-on service request, a second data-access service request, and a third log-off service request;

b. a publicly accessible digital data communication network responsively coupled to said user terminal;

c. a legacy data base management system responsively coupled to said user terminal via said publicly accessible digital data communication network which receives said first

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log-on service request, said second data-access service request, and said third log-off service request;

d. a legacy data base incompatible with, but responsively coupled to, said legacy data base management system; and

e. a facility responsively coupled to said legacy data base management system and said legacy data base which permits said legacy data base management system to log-on to said legacy data base in response said first log-on service request, access said legacy data base in response to said receipt of said second data-access service request, and log-off said legacy data base in response to receipt of said third log-off service request.

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thereto, the Examiner may wish to consult Fig. 1, elements 20 and 22, discussed at page 11, line 22, through page 12, line 15 of Applicants' specification regarding the "legacy data base management system".

To view the claimed "legacy data base", the Examiner is directed to Fig. 1, elements 20 and 22, along with Fig. 4, elements 200, 202, 204, and 206. Finally, "converting" is performed by Fig. 3A, element 44. The detailed operation of the "converting" process is shown by the flowchart of Fig. 6.

Claims 3-5, 16 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite in view of the use of the term "OLEDB". In support of his rejection, the Examiner clearly erroneously states:

> With respect to claim 3, the word "OLEDB" renders claim(s) indefinite because it is not clear what is the OLEDB. In the specification, the Applicant fails to disclose the OLEDB.

This statement is clearly erroneous, because Applicants define the term within the specification at page 11, lines 8-13, which states:

> When used herein OLEDB refers to a COM-based Application Programming Interface (API) designed to provide access to a wide range of data sources. OLEDB includes SQL functionality but also defines interfaces suitable for gaining access to data other than SQL data. COM facilitates application integration by defining a set of standard interfaces. Each interface contains a set of functions that define a contract between the object implementing the interface and the client using it.

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Thus, it is assumed that the term OLEDB is sufficiently defined, and this ground of rejection is respectfully traversed.

Claims 1, 16, and 21 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,023,684, issued to Pearson (hereinafter referred to as "Pearson"). This ground of rejection is respectfully traversed.

The standards for a finding of anticipation during examination are specified in MPEP 2131, which provides in part:

TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH
EVERY ELEMENT OF THE CLAIM
"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "**The identical invention must be shown in as complete detail as is contained in the ... claim.**" *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (emphasis added)

The rejection is respectfully traversed because "the identical invention" is not shown by Winter "in as complete detail as is contained in the claims" as is required by MPEP 2131.

The present invention provides a technique for utilizing an Internet terminal coupled to the world wide web to access data from a legacy data base via a legacy data base management system wherein said legacy data base and said legacy data base management system are incompatible. The user request is passed to the legacy data base management system via the Internet. The user request is converted into a form which can log-on and log-

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REMARKS

The above amendments and following remarks are submitted in response to the pending Official Action of the Examiner mailed October 31, 2006. Having addressed all objections and grounds of rejection, claims 1-5 and 11-21, being all the pending claims, are now deemed in condition for allowance. Reconsideration to that end is respectfully requested.

The Examiner has previously made a Requirement for Restriction. In response thereto, Charles A. Johnson, Attorney of Record, elected to prosecute claims 1-5 and 11-21. Applicants hereby ratify that election. Therefore, claims 6-10 have been herewith canceled as directed to non-elected species.

The Examiner has objected to the Specification in view of certain missing information concerning co-pending applications. In response thereto, page 1 of the specification has been amended as suggested by the Examiner.

Claims 1-5 and 11-21 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting. Applicants acknowledge this provisional rejection and will address the matter upon allowance of all pending claims.

The Examiner has objected to the drawings under 37 C.F.R. 1.83(a). Specifically, he is concerned with his inability to find the claimed "legacy data base management system", "legacy data base", and "converting" within the drawings. In response

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off from the legacy data base. Other commands when converted can fetch data, modify data, and store data from the legacy data base. Using these commands, data can be copied from the legacy data base into the legacy data base management system, from which it can be operated upon using all of the tools of the legacy data base management system. Following modification, the data can be recopied back into the legacy data base.

Pearson, on the hand, in its most pertinent aspects is concerned with coupling clients to an application service wherein the application service has its own, compatible local data memory (see Figs 1 and 3). There is no showing or suggestion that the data processed by the application service from the local data memory is in anyway incompatible with the application service. This is specifically described in the Abstract which reads in part:

> At the initiation of a logical session with a client program, the application service refreshes data for the customer associated with the client program using data obtained from a back end processing system through the host interface. The data in the local data memory is then used by the application service for processing client requests during the logical session.

Thus, unlike Pearson, the only conversion required is between the client and the application. This is provided by the "business logic component". Whereas, the system of Applicants' may require conversion between the claimed "user terminal" and the claimed "legacy data base management system", all claims require

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conversion between the claimed "legacy data base" and the claimed "legacy data base management system". This architecture is not found in Pearson.

The differences between Pearson and Applicants' claimed invention are readily apparent in structure and operation. Pearson does not have the claimed incompatibility between the claimed "legacy data base management system" and the claimed "legacy data base". Therefore, Pearson does not have the claimed "facility" or "converting means". These differences become even more apparent as the individual claim limitations are considered.

Claim 1, for example, has five basic elements. The first element is "a user terminal which generates a first service request". In making his rejection, the Examiner cites Pearson, column 2, lines 52+. Applicants do not understand the extent of this citation. However, it is clear that the claimed element is not met by at least the first full column of textual material.

The second claimed element is "a publicly accessible digital data communication network responsively coupled to said user terminal". In making his rejection, the Examiner cites Pearson, column 2, lines 33+ and column 3, lines 7+. Again, Applicants do not understand the extent of this citation. However, even thought the reference parenthetically mentions the Internet, it is clear that the claimed element is not met by at least the first full column of textual material.

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The third claimed element is "a legacy data base management system responsively coupled to said user terminal via said publicly accessible digital data communication network which receives said first service request". Apparently, because Pearson cannot meet this limitation, the Examiner paraphrases the claimed element rather than addressing Applicants' claimed invention. In making his rejection, the Examiner cites Pearson, column 3, lines 5+. Applicants do not understand the extent of this citation. However, it is clear that the claimed element is not met by at least the first full column of textual material.

The fourth claimed element is "a legacy data base incompatible with, but responsively coupled to, said data base management system". In making his rejection, the Examiner again cites Pearson, column 3, lines 5+. Applicants do not understand the extent of this citation. However, it is clear that the claimed element is not met by at least the first full column of textual material. The claim requires that the claimed "legacy data base management system" and claimed "legacy data base" be incompatible. However, as explained above, the Examiner has apparently focused on incompatibility between the "client interface" and the remainder of the system. As a result, Pearson apparently relies upon a "business logic component" to resolve this incompatibility. This finding is irrelevant, because it does not address Applicants' claimed invention.

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The fifth claimed element is "a facility responsively coupled to said legacy data base management system and said legacy data base which permits said legacy data base management system to access said legacy data base in response to said receipt of said first service request". As a result of the differences noted above, Pearson has no need for this element, because it has no incompatibility between the claimed "legacy data base management system" and the claimed "legacy data base". Therefore, the Examiner again cites Pearson, column 3, lines 5+, which is totally irrelevant to Applicants' claimed invention.

As a result of Pearson having none of the five claimed elements of claim 1, the rejection of claim 1, and all claims depending therefrom, is respectfully traversed.

Claims 16 and 21 have different statutory, judicial, and administrative bases of patentability and examination. In addition, the actual claim limitations of claims 16 and 21 differ from those of claim 1. Nevertheless, the Examiner has neglected to examine claims 16 and 21 as required by controlling law. Therefore, the rejection of claims 16 and 21, and all claims depending therefrom, is respectfully traversed.

Claims 11-13 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No. 2004/0226027, published in the name of Winter (hereinafter referred to as

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"Winter"). This ground of rejection is respectfully traversed
for failure of Winter to meet the requirements of MPEP 2131.

Claim 11 is an independent apparatus claim having four
"means-plus-function" limiting elements. The first element is
"permitting means for permitting a user to transfer a service
request via a publicly accessible digital data communication
network". In finding this element in Winter, the Examiner cites
Fig. 2, User Interface Client 200. There is no showing that this
is the disclosed "user terminal" or a reasonable equivalent
thereof. In alleging the claimed coupling network, the Examiner
cites paragraphs 0031, 0050, and 0051. Not only do none of these
disclose the claimed network, even more important is that none of
these paragraphs mention User Interface Client 200 to which the
network must be coupled to meet the limitations of the claim.

The second claimed element is "offering means responsively
coupled to said permitting means via said publicly accessible
digital data communication network for offering legacy data base
management services using a scripted command language". For some
reason, the Examiner cites Fig. 3, which does not show UIClient
200 to which the claimed offering means is coupled. In addition,
neither Fig. 3 nor paragraph 0051 says anything of the claimed
"legacy data base management services using scripted command
language".

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The third claimed element is "maintaining means responsively coupled, to but incompatible with, said offering means for maintaining a data base". Having no "maintaining means" as claimed, the Examiner cites seven full paragraphs, which while not being related to the claimed invention, are not even related to one another.

The fourth claimed element is "converting means responsively coupled between said offering means and said maintaining means for converting said service request to a language cognizable by said maintaining means". Because Winter does not have this element, the Examiner cites more than eight full paragraphs of text which merely confuses the issue.

Having cited substantial portions of Winter in an attempt to find the "words" of Applicants' claim, without attention to the meaning thereof, it is clear that Winter does not show the "identical invention" in as "complete detail as is contained in the claim". The rejection of claim 11, and all claims depending therefrom, is respectfully traversed for failure of Winter to meet the requirements of MPEP 2131 for a showing of anticipation.

Claim 12 depends from claim 11 and further limits the claimed "permitting means". As explained above, Winter does not disclose the claimed "permitting means", even though the Examiner has cited Fig. 2, element 200. Therefore, the Examiner cites an entire paragraph of Winter having nothing to do with the

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limitations of claim 12. The rejection of claim 12 is respectfully traversed for failure of Winter to meet the requirements of MPEP 2131.

Claim 13 depends from claim 12 and further limits the claimed "offering means". The Examiner simply cites Fig. 3 and draws the conclusion that somehow Fig. 3 shows the limitations of the claim. It is clear that Fig. 3 does not show the "identical invention" in "as complete detail as is contained in the claim" as required by MPEP 2131. Therefore, the rejection of claim 13 is respectfully traversed.

Claims 1, 11, 16, and 21 have been rejected under 35 U.S.C. 102(e) as being anticipated by Pearson. This rejection is respectfully traversed as being clearly erroneous. Because the Examiner's application of the prior art appears to refer to Winter rather than Pearson, it was initially assumed that the Examiner intended the present rejection to be based upon Winter. This could have resulted from a mere typographical error, and Applicants expected to respond under that assumption. However, that assumed situation seems unlikely, because the Examiner has rejected at least claim 11 in paragraph 13 of the pending official action. It is unlikely that the Examiner would have duplicated his rejection on the same prior art reference with a different application of the art. As a result, Applicants are unable to respond to this ground of rejection.

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Finally, claims 2 and 17 depend from claims 1 and 16, respectively, and are further limited by a log on feature associated with the claimed "service request". Not only does the prior art of record not have this feature, the claimed limitations are not even addressed by the Examiner. The rejection of claims 2 and 17 is respectfully traversed for failure of the Examiner to make any of the three showings required by MPEP 2143.

Claims 3-5 and 18-20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Pearson in view of U.S. Patent No. 6,983,317, issued to Bishop et al. (hereinafter referred to as "Bishop"). This ground of rejection is respectfully traversed for failure of the Examiner to present a *prima facie* case of obviousness as specified by MPEP 2143.

In his conclusion of motivation, the Examiner states:

It would have been obvious at the time the invention
was made to a person having ordinary skill in the art
to modify Pearson's system by using OLEDB in order to
have data base management system efficient multi-user
environment for the stated purpose has been well known
in the art as evidence by teaching of Bishop et al.
(see column 2, line 55+).

This conclusion is inadequate as a matter of law, because it is unsupported by the prior art of record. There is no showing that "using OLEDG" would provide an "efficient multi-user environment" as alleged by the Examiner.

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The Examiner has not and could not show reasonable likelihood of success, because there is no provision in Pearson to accommodate an OLEDB data base.

Claim 3 depends from claim 2 and further limits the claimed "legacy data base" to an "OLEDB data base". Neither Pearson nor Bishop discloses the claimed "OLEDB data base". Therefore, the rejection of claim 3 is respectfully traversed for failure of the Examiner to make any of the three showings required by MPEP 2143.

Claim 4 depends from claim 3 and is further limited by "a second service request generated by said user terminal and transferred to said legacy data base management system which copies selected data from said legacy data base into said legacy data base management system". The Examiner does not even address this claim limitation. He fails to do so, because this limitation is not found in the prior art of record. The rejection of claim 4 is respectfully traversed.

Claim 5 depends from claim 4 and further limits the claimed "legacy data base management system" to a commercially available system. The prior art of record does not meet this limitation. The rejection of claim 5 is respectfully traversed.

Claim 18 depends from claim 17 and contains further limitations. The Examiner has not addressed these limitations. The rejection of claim 18 is respectfully traversed for failure of he Examiner to address Applicants' claimed invention.

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Claim 19 depends from claim 18 and contains further limitations. The Examiner has not addressed these limitations. The rejection of claim 19 is respectfully traversed for failure of he Examiner to address Applicants' claimed invention.

Claim 20 depends from claim 19 and contains further limitations. The Examiner has not addressed these limitations. The rejection of claim 20 is respectfully traversed for failure of he Examiner to address Applicants' claimed invention.

Claims 14-15 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Winter in view of Applicant Admitted Prior Art (hereinafter referred to as AAPA). This ground of rejection is respectfully traversed for failure of the Examiner to make any of the three showings required by MPEP 2143.

As to the requirement to show motivation, the Examiner concludes:

> It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Winter's system by using the BIS data base Management in order to have data base management system in an efficient, multi-user environment for the stated purpose has been well known in the art a evidenced by teaching of AAPA (see last paragraph, page 4).

However, Winter has no data base management system at all. Furthermore, the Examiner does not allege that it does. Therefore, there can be no motivation *per se* for improve the efficiency of Winter's data base management system by making it the claimed BIS system.

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The Examiner does not venture any showing of reasonable likelihood of success as required by MPEP 2143. However, he could not do so, because of the readily apparent incompatibilities of AAPA and Winter.

Finally, the Examiner fails to show all of the claimed elements. The claimed "offering means" must be "responsively coupled to said permitting means via said publically accessible digital data communication network". If the Examiner were to read AAPA, he would find the reasons why BIS could not be so coupled, absent Applicants' invention. The rejection of claims 14-15 is respectfully traversed for failure of the Examiner to make any of the three showings required by MPEP 2143.

Having thus responded to each objection and ground of rejection, Applicants respectfully request entry of this amendment and allowance of claims 1-5 and 11-21 being the only pending claims.

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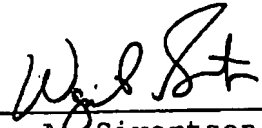
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Respectfully submitted,

Tadd E. Vanyo et al.

By their attorney,

Date January 31 2007

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In re Application of:

Tadd E. Vanyo et al.

Serial No.: 10/849,473   Examiner: H. Vy

Filing Date: May 19, 2004   Group Art Unit: 2163

For: INTERFACE COOL ICE OLEDB CONSUMER INTERFACE

Docket No.: 33012/374/101

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